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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,379	10/30/2003	Alex D. Vandertol	026032-4321	7895

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,379

Applicant(s)

VANDERTOL, ALEX D.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This is the first office action for application number 10/697,379, System and Method for Mounting In-Vehicle Electronics, filed on October 30, 2003.

Claim Objections

Claim 9 is objected to because of the following informalities:

In line 3, “an” should be ~~---a---~~.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 stipulates starting in line 3 that a base is coupled “to a(n) portion of the vehicle interior...” However, the next step is “coupling a cover member to the base...”. How is this possible? With reference to figure 3, it appears since the device is being mounted to some structure of a vehicle, the cover member would have to first be coupled to the base, and then the base could be coupled to a portion of the vehicle interior.

Further, lines 1-2 of claim 9 read “A method of assembling an electronic device having at least one projection for mounting in a vehicle, comprising,” but then nowhere in claim 9 or the

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claims dependent thereon is this “electronic device” ever positively recited in a method step.

More specifically, how can the applicant recite such a method of assembling an electronic device if the electronic device is never positively mentioned in any method step?

For the purposes of this office action, the Examiner will not attempt to apply prior art against claims 9-14 due to the above-mentioned ambiguity.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-8 and 15-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the “electronic device having at least one projection” and “vehicle interior” are being functionally or positively recited as part of the invention. The preambles of claims 1 and 15 recite the “electronic device” and “vehicle interior” functionally (“...for an electronic device adapted for use in a vehicle” and “...for mounting an electronic device in a vehicle”), but then the “electronic device” and “vehicle interior” are positively recited later on in claims 1 and 15 as well as the related dependent claims (“a base coupled to a structure of the vehicle interior...” “so that at least one projection extending from the electronic device...” “wherein a body portion of the electronic device is... “ etc). The Examiner has not provided every example of such discrepancies throughout the claims because there are too many instances. For instance, utilizing “adapted to be” is effective for reciting features functionally. For the purposes of this office action, the Examiner will assume the “electronic device having at least one projection” and “vehicle interior” are being recited merely functionally.

Claim Rejections - 35 USC § 102

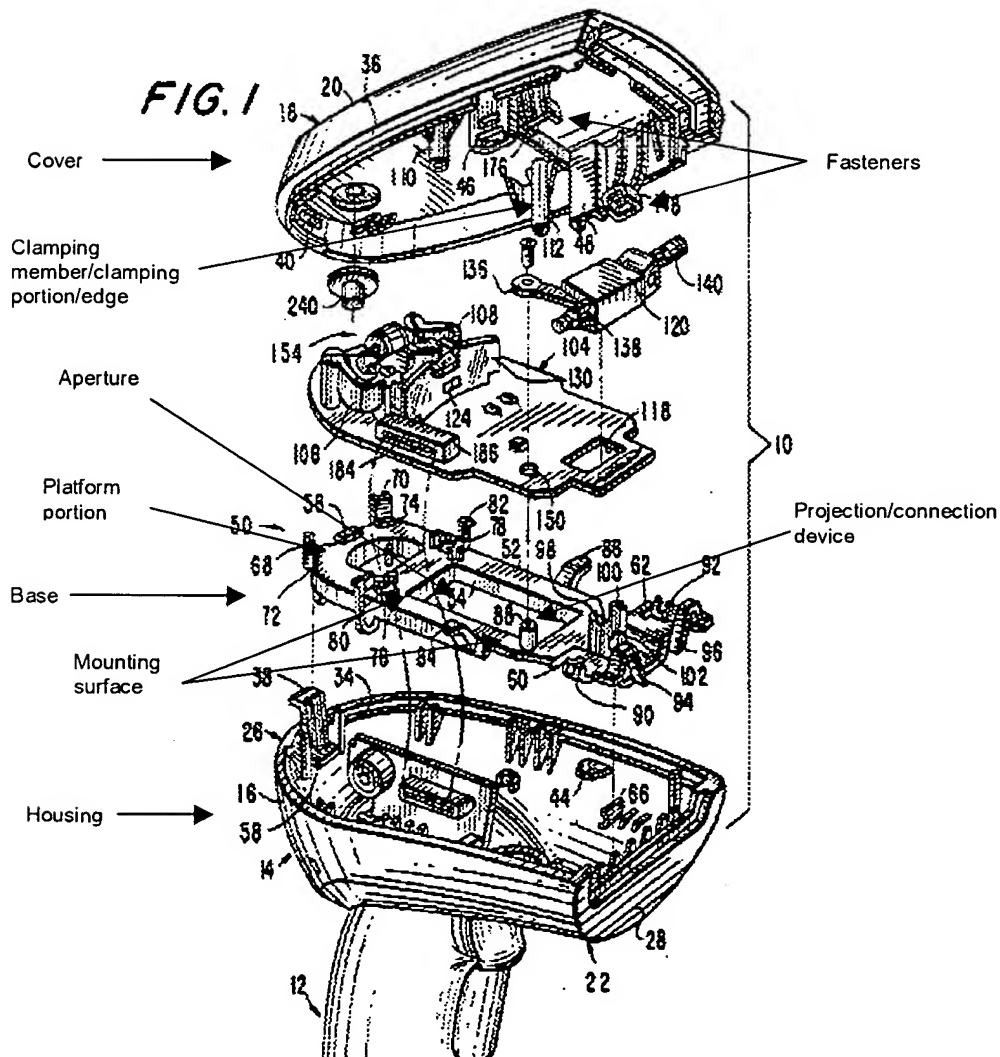
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent number 5,850,078 to Giordano et al.



Giordano et al. '078 discloses a mounting structure/system (above) comprising a base (above) with an aperture (above) therein, a cover (above) coupled to the base, wherein the base includes a platform portion (above, top of base, generally) having at least one mounting surface (above) formed thereon adjacent the aperture and at least partially surrounding the aperture, wherein the cover further comprises a clamping member/portion comprising an edge of the cover (above, it inherently could act as a clamping member), wherein the cover is coupled to the base by fasteners (above), wherein the mounting surface could inherently position a device at an angle relative to the base (inherently *some* angle), wherein the mounting surface includes a projection (above), wherein the cover further comprises at least one connection device for coupling the cover and the base member, wherein the system includes a housing (above) having a first attachment structure (58) for coupling to the base member and a second attachment structure (12), wherein the mounting structure could inherently perform all claimed functions and be used with all objects/members functionally recited throughout the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falcoff '581, Hilborn et al. '867, Inamura '384, Quilling, II '947, Falcoff et al. '638, Collins, Jr. et al. '621, Kato et al. '208, Sobieski et al. '528 and Miller et al. '536 divulge various mounting structures with housings, bases and covers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403 and (571) 272-6824 after April 7, 2005. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113 and (571) 272-3600 after April 7, 2005.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a horizontal line drawn through it.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
March 16, 2005